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# Fax Transmittal

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**Re:** Appln. 10/609,266

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**Notes:**

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Interview Agenda for 10/609,266 on 2/10/09

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14. A method, implemented in a game console, the method comprising:

obtaining an audio track from an audio source;

saving the audio track on a storage device of the game console so that a copy of the audio track is available when the audio source is no longer accessible to the game console, wherein the audio track is at least part of a user-created soundtrack;

saving an identifier of the audio source on the storage device;

determining when an online service that provides a database containing meta data associated with the audio track is available, connecting to the online service, obtaining the meta data associated with the audio track from the database and storing the meta data associated with the audio track on the storage device, *wherein the meta data is obtained from the online service based at least in part on the identifier saved on a the storage device;*

associating the user-created soundtrack with a game application;

executing the game application on the game console; and

during execution of the game application, playing the user-created soundtrack and displaying information regarding the soundtrack based on the meta data.

Van Ryzin teaches "the software will search for the title and track names on the CD using the TOC in a database file that comes with the software" (col. 4, lines 1-3) and "the database has the title and track names of current CD's in the marketplace" (col. 4, lines 12-13). But Van Ryzin fails to teach "wherein the meta data is obtained from the online service based at least in part on the identifier saved on the storage device" as recited in claim 14. Shih fails to correct this deficiency. Accordingly, a prima facie case of obviousness has not been established.

45. A computer-readable medium for a game console comprising computer-executable instructions that, when executed, direct the game console to:

copy an audio track from an audio source to a storage device of the game console, wherein the audio track is at least part of a user-created soundtrack;

use an identifier of the audio source to retrieve meta data associated with the audio track from a database over a network connection from an online service if the database is accessible; and

save the identifier of the audio source on the game console if the database is not accessible;

executing a game application on the game console;

pausing execution of the game application in response to receiving a request to select a new soundtrack to playback during execution of the game application; and

displaying information regarding the user-created soundtrack based on the meta data to assist a user in selecting the new soundtrack.

The Office states:

Regarding claims 45: Van Ryzin discloses copying an audio track from an audio source (Col. 5, Line 4); using an identifier of the audio source (Col. 4, Lines 11-24); and *determining when an online service that provides a database containing meta data associated with the audio track is available, connecting to the online service, obtaining the meta data associated with the audio track from the database and storing the meta data on the storage device associated with the audio track, wherein the meta data is obtained from the online service based on at least in part on the identifier saved on the storage device (Col. 3, Lines 60-67; Col. 4, Lines 1-25; and Col. 5, Lines 25-50)*; and using an identifier of the audio source to retrieve meta data associated with the audio track from a database if the database is accessible (Col. 4, Lines 1-7 and 39-40). Van Ryzin, further, teaches saving the identifier of the audio source if the database is not accessible (Col. 4, Lines 9-19 and 56-59). Van Ryzin does not disclose implementing the method in a game console; *saving the audio track so that a copy of the audio track is available when the audio source is no longer accessible to the game console, wherein the audio track is at least part of a user-created soundtrack*; executing the game application on the game console. *However, Van Ryzin does teach saving the audio track so that a copy of the audio track is available when the audio source is no longer accessible to the PC, wherein the audio track is at least part of a user-created soundtrack (Col. 5, Lines 37-48)*, and Shih discloses that the audio source is accessible to a gaming platform such as PC or game consoles (paragraph [0025]). Shih also discloses associating the user-created soundtrack with a game application (paragraph [0024]); executing the game application on the game console (paragraph [0024]). Neither Van Ryzin nor Shih disclose pausing execution of the game application in response to receiving a request to select a new soundtrack to playback during execution of the game application; and displaying information regarding the user-created soundtrack based on the meta data to assist a user in selecting the new soundtrack.

The Office failed to address every element of the claim. For instance, the references fail to describe, teach, or suggest "use use an identifier of the audio source to retrieve meta data associated with the audio track from a database **over a network connection from an online service** if the database is accessible" as recited in claim 45. Additionally, the Office referred to language in the rejection of the claim that is not recited in the claim. Such language is highlighted in bold italics above.